

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRANCISCO COLON, JR.,

Plaintiff,

-against-

ST. JOHN'S RIVERSIDE HOSPITAL,

Defendant.

1:19-CV-5846 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated October 15, 2019, the Court granted Plaintiff, who appears *pro se* and proceeds *in forma pauperis*, leave to file an amended complaint. In that order, the Court discussed the pleading requirements to state plausible claims of employment discrimination and retaliation under Title VII of the Civil Rights of 1964 ("Title VII") and 42 U.S.C. § 1981. (ECF 9, at 3-6.) Because Plaintiff's original complaint failed to allege sufficient facts to state a plausible claim for relief under either statute, the Court granted Plaintiff leave to file an amended complaint to do so. (*See id.*)

On November 5, 2019, Plaintiff filed a document that he labeled "Amended Complaint." (ECF 10.) But that document consists solely of a cover page that lists documents relating to his employment, along with the documents themselves. The documents include memos from Plaintiff to his employer, complaining about alleged discrimination and retaliation, and an employee competency rating that Plaintiff signed but objected to.

Even if those documents are liberally construed as representing the allegations of Plaintiff's amended complaint, they do not contain sufficient factual allegations to state a plausible claim of employment discrimination or retaliation under Title VII or § 1981.

Accordingly, the Court dismisses this action for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

### CONCLUSION

The Clerk of Court is directed to note service on the docket. Plaintiff has consented to electronic service of Court documents. (ECF 3.) The Court dismisses this action for failure to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is also directed to docket this order as a “written opinion” within the meaning of Section 205(a)(5) of the E-Government Act of 2002.

SO ORDERED.

Dated: December 20, 2019  
New York, New York



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COLLEEN McMAHON  
Chief United States District Judge